

EASTERN JUDICIAL DISTRICT OF TEXAS.

JANUARY 20, 1897.—Referred to the House Calendar and ordered to be printed.

Mr. BRODERICK, from the Committee on the Judiciary, submitted the following

REPORT.

[To accompany H. R. 9469, vetoed, and House Doc. No. 184.]

The Committee on the Judiciary, to which was referred the President's veto of House bill 9469, has had the same under consideration, and beg leave to report as follows:

The objections of the President to the bill are substantially as follows:

First. That there are now sufficient places in the district for holding court, and that the parties having business in the courts are not seriously inconvenienced under the present system;

Second. That the district judge and district attorney in the district express themselves in opposition to the bill as unnecessary, etc.;

Third. That there is not sufficient court business in the counties comprising the proposed division to warrant the establishment of another place for holding court, and

Fourth. That the terms of court provided for in this bill would interfere with business in the other courts, and, particularly, that the criminal docket at Paris is so large that now cases can not be as promptly disposed of as the ends of justice require.

In answer to the first objection, your committee states that the territory comprising the eastern judicial district of Texas covers an area of more than — miles and extends from the Gulf of Mexico to Red River, the northern boundary of the State, and that courts are now held at Paris, near the northern boundary of the district, and at Tyler and Jefferson, both of which are north of the center of the district, and at Galveston, near the southwestern border of the district, and that no place is now provided for the holding of court near the center or southeastern portion of the district, and that the courts nearest the territory forming the proposed division are held at Tyler and Galveston. Process issued against persons resident in nine of the counties in the proposed division is now returnable to the Galveston court, and in the remaining two it is now returnable to the court at Tyler.

Beaumont is situated in the southeastern part of the eastern judicial district of Texas. It is distant from Galveston, on an air line, approximately 100 miles, but by the usual line of travel by railway, 135 miles, while Tyler is distant from Beaumont about 175 miles.

From eight of the counties of the proposed division the citizens, in going to Galveston by the usually traveled route, have to pass through Beaumont, those from seven of the counties being compelled to change cars and at times subjected to inconvenient delays in making railway

connections. Citizens of the other three counties are as near to Beaumont as to either Galveston or Tyler, and in some cases nearer, and the traveling facilities for reaching Beaumont are as good as for reaching either of the other points, Galveston or Tyler. There are now running into Beaumont four railroads, and others are under construction. The Kansas City, Pittsburg and Gulf Railway will be completed from Kansas City to the Gulf by March. These roads do now, or will when constructed, traverse, to a greater or less extent, the several counties proposed to be placed in the new division.

When the eastern judicial district of Texas was created, the counties forming the proposed division were sparsely settled and had but few, if any, railroads; but within the past few years the population and wealth of these counties have rapidly increased.

Beaumont and Orange, the latter a city distant about 23 miles from Beaumont, were a few years ago small villages, doing but little business; they are now cities with a population of several thousands each, and have large manufacturing interests; and the counties contiguous thereto, which are included in the proposed new division, have correspondingly increased in population, and a considerable immigration is now pouring into this section of the State. Sabine Pass, 28 miles distant and in Jefferson County, and which a few years ago had only about 5 feet of water on the bar and no commerce or shipping of any consequence, now has, by reason of the improvement of the harbor at that point and the bar outside, a continuous depth of water from the Gulf across the bar to the deep water inside the pass of 24 feet, and the commerce and the tonnage of vessels now passing through this port have immensely increased, and the port bids fair to become in the future one of the most important harbors on the Gulf Coast. As a natural sequence of this admiralty litigation respecting maritime matters will necessarily arise in this vicinity, and the proposed court would furnish the litigants a convenient tribunal.

The area of territory included in the proposed division covers approximately 10,000 square miles and has a population of about 90,000 people. During the year of 1896 the shipment of lumber alone through the port at Sabine Pass to foreign markets amounted to 28,944,701 feet, and the domestic trade is estimated to be five times as much as the foreign shipment, and all this lumber is manufactured in the proposed division. These facts are mentioned to indicate the wealth and business interests in the proposed division. It is believed that these facts meet and overcome the first objection of the President.

To the second objection of the President, that the district judge and district attorney express themselves in opposition to the bill as unnecessary and an interruption to the large volume of business now pending and constantly coming before the court, we can not attach great weight or importance. The convenience of officials is often an excuse for objecting to changes of the status quo and assume importance not supported by the convenience of the people or the dispatch of public business, and this objection of the President is answered by reasons and facts heretofore set forth and which will hereafter be specified in mentioning the objections of the President.

In reply to the third objection, your committee has not had access to the court docket or information in regard to the amount and character of business pending in the several courts of the district, but judging from the population, wealth, resources, manufacturing and maritime interests of the territory in the proposed division, and its rapid development, together with the large railroad and corporate interests situate

and being in said division, it is reasonable to conclude that the court business will be amply sufficient to justify Congress in providing for a court for said division.

In answer to the fourth and last objection, it does not appear that the term of court provided for in the bill will injuriously interfere with the terms of court already now by law provided for. If the proposed legislation becomes law, the court at Paris will have nine weeks term during the year, and it appears that this will be sufficient time to give proper attention to all business that may hereafter be pending in said court. But in the event it is hereafter ascertained that sufficient time has not been allotted said court, or that the time for holding court at the several places has not been equitably fixed, subsequent legislation to this end, which is always easy of accomplishment, can correct this error.

The cause of a large docket and large amount of business at the Paris court has been on account of the jurisdiction exercised by that court over a large territory in the Indian Territory fruitful in litigation. By recent legislation, the jurisdiction of the court at Paris over the territory in the Indian Territory has been taken away, and it is believed that in the future comparatively little litigation will arise in that court, and the time allotted for the holding of court fixed by the present bill will be ample to dispose of all business that would find its way to that court.

This bill has twice passed the House without objection. No Member from the State of Texas or elsewhere, or any party in interest, has ever opposed the bill or assigned any reason why the bill should not become a law. The bill has been discussed and explained in the House, and your committee have no advice that any objection existed against the bill except as herein stated, and believing it is to the interest of the public service and public good, and will result in economy, convenience to the people, and a speedy dispatch of court business, recommend that the bill do pass, the objections of the President to the contrary notwithstanding.

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